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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/755,164	01/08/2001	Nestor A. Bojarczuk, JR.	YOR9-2000-0642	4431	
21254	7590 05/06/2002				
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAM	EXAMINER	
		BEREZNY, NEAL		Y, NEAL	
		,	ART UNIT	PAPER NUMBER	
			2823		
			DATE MAILED: 05/06/2002	DATE MAILED: 05/06/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply  A SHORTENEON STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this communication app ars on the cov r she t with the correspond noe addr ss  Period for Reply  A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the profit of time may be evaluated before the best that his (s) (d) July 1 and 1							
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The MALIANG DATE of this communication app ars on th cov r she t with th correspond note addr ss — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edutations of terminary be available used the provisions of 3 CRF 1.18(a). In no event, however, may a reply be timely filled  ### The period for reply specified above is less than lithir (20) stays, a reply with the statisticy minimum of thirty (0)) stays will be considered timely.  ### The period for reply specified shows the maximum statistory period will again set (0) (MONTHS from the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.  ### Filled to reply specified above the malling date of this communication.	Oπice Action Summary	Examin r	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Ederlandes of time may be available under the provision of 37 CPR 1.13(b). In no event, however, may a reply be limely filed after SX (6) MONTHS from the mailing date of this communication.  It NO period for reply is spellable under the provision of 37 CPR 1.13(b). In no event, however, may a reply be limely filed after SX (6) MONTHS from the mailing date of this communication.  It NO period for reply is spellable under the hankes mediated provision alloyed and villable SX (6) MONTHS from the mailing date of this communication, even if timely (filed, may reduce any SX (7) and the second of the communication, even if timely filed, may reduce any SX (7) and the second of the communication, even if timely filed, may reduce any SX (8) and the second of the communication, even if timely filed, may reduce any SX (8) and SX							
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-27 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are allowed.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  1-27 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: al accepted or b  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a  approved b  disapproved by the Examiner.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received in Application No.   3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was railure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be tim y within the statutory minimum of thirty (30) day vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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the S/D and channel regions.

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-18, 21, 23, 25, and 27, drawn to an Al Nitride gate stack FET, classified in class 257, subclass 410.
  - II. Claims 19-20, 22, 24, and 26, drawn to a method of forming an Al nitride gate stack FET, classified in class 438, subclass 216.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, instead of forming the insulating layer after the S/D and channel, one could form the insulating layer first and then implant ions to form
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

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5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal Berezny whose telephone number is (703) 305-1481. The examiner can normally be reached on Monday to Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy, can be reached at (703) 308-4918. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Wheat Boyy 4/22/02

Primary Examiner

*2823* 

**Neal Berezny** 

Patent Examiner

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